



House of Representatives

General Assembly

File No. 79

January Session, 2013

Substitute House Bill No. 6318

House of Representatives, March 20, 2013

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CULTIVATION OF SEAWEED.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-11i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Aquaculture producer" means any person who engages in the
5 controlled rearing, cultivation and harvesting of aquatic animals or
6 plants in land-based or marine-based culture systems, tanks,
7 containers, impoundments, floating or submerged nets or pens and
8 ponds.

9 (2) "Aquatic animals" means fresh or saltwater finfish, crustaceans
10 and other forms of aquatic life, including jellyfish, sea cucumber and
11 sea urchin, and the roe of such animals, and all mollusks, which are
12 intended for human consumption. "Aquatic animals" does not include
13 birds or mammals.

14 (3) "Aquatic plants" means fresh or saltwater algae and plants,
15 including, but not limited to, aquatic macrophyte, microalgae and
16 macroalgae (seaweed) species intended for sea vegetable, biofuel,
17 animal feed, fertilizer, medical, industrial or other commercial
18 applications.

19 (4) "Seaweed" means any species of marine macroalgae approved by
20 the Commissioner of Agriculture for cultivation in the waters of Long
21 Island Sound.

22 (5) "Seaweed producer" means any person who engages in the
23 controlled rearing, cultivation and harvesting of seaweed.

24 (b) The Commissioner of Agriculture shall license and inspect
25 aquaculture producers. The commissioner may prescribe the length of
26 term, fee and application for such license. To receive an aquaculture
27 producer license from the commissioner, each aquaculture producer
28 shall: (1) Possess a registration with the United States Food and Drug
29 Administration as a food facility, (2) meet all processing standards and
30 inspection procedures for seafood processing facilities, including, but
31 not limited to, compliance with the provisions of 21 CFR 123--Fish and
32 Fishery Products, Subpart A and the United States Food and Drug
33 Administration's Food Code, as from time to time amended, and (3)
34 pass an inspection conducted by the Department of Consumer
35 Protection prior to the issuance of such license by the commissioner.
36 The provisions of subdivision (2) of this subsection shall not apply to
37 any seaweed or aquatic plant producer who possesses a valid license
38 issued by the commissioner.

39 (c) Prior to receiving a license from the commissioner to be a
40 seaweed or aquatic plant producer, an applicant shall receive species
41 approval from the commissioner.

42 [(c)] (d) The Commissioner of Agriculture, in accordance with
43 chapter 54 and in consultation with the Commissioner of Consumer
44 Protection, may adopt regulations to implement the provisions of this
45 section.

46 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of
47 Agriculture may issue a nontransferable license, in the name of the
48 state, under such policies as the commissioner may prescribe and for a
49 period of not greater than five years and an annual license fee of
50 twenty-five dollars per acre, for the planting and cultivating of
51 seaweed in any area within Connecticut's coastal waters. Any person
52 who has a shellfishing ground lease authorized pursuant to section 26-
53 194 or 26-257a of the general statutes shall not be required to remit
54 such annual license fee. Any person licensed pursuant to this section
55 may buy, possess, ship, transport or sell seaweed that meets the
56 applicable requirements of sections 22-11h and 22-11i of the general
57 statutes, as amended by this act, and any regulation adopted pursuant
58 to said sections 22-11h and 22-11i. For the purpose of this section,
59 "seaweed" means seaweed, as defined in section 22-11i of the general
60 statutes, as amended by this act.

61 (b) The General Joint Aquaculture Programmatic Permit Process
62 Review of the Department of Agriculture's Bureau of Aquaculture, the
63 Department of Energy and Environmental Protection's Office of Long
64 Island Sound Programs, and the Army Corps of Engineers may subject
65 any such licensee to the requirements of sections 22a-359 to 22a-363f,
66 inclusive, of the general statutes.

67 (c) Any such license or license renewal, issued pursuant to this
68 section, shall require the licensee to make a good faith effort to
69 cultivate and harvest seaweed from the licensed area. Any licensee
70 who fulfills all of his or her obligations pursuant to said license, upon
71 the expiration of said license, shall be given preference by the
72 commissioner in the relicensing of such ground for a like term and
73 purpose as that granted in the original license. The commissioner shall
74 not renew the license of any licensee who fails to remit the license fee
75 required pursuant to this section. No application for the renewal of a
76 license pursuant to this section shall be granted without notice or
77 advertisement of the pendency thereof by the commissioner. No
78 renewal of a license for grounds previously leased pursuant to this
79 section shall be granted when the commissioner, for cause, determines

80 to cease licensure of such grounds for seaweed culture.

81 (d) In no instance shall the Commissioner of Agriculture grant a
82 license to cultivate seaweed pursuant to this section such that the grant
83 of such license interferes with an established right of fishing or an
84 established right of shellfishing. Any license issued pursuant to this
85 section that interferes with an established right of fishing or an
86 established right of shellfishing shall be void.

87 (e) Any person who interferes with, annoys or molests another in
88 the enjoyment of any license issued pursuant to this section shall be
89 fined not more than five hundred dollars or imprisoned not more than
90 six months or both.

91 (f) The Commissioner of Agriculture may adopt regulations,
92 pursuant to chapter 54 of the general statutes, to implement the
93 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-11i
Sec. 2	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Agriculture	GF - Potential Revenue Gain	Up to \$1,000	Up to \$1,000
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Municipal Impact: None

Explanation

The bill expands the definition of an aquaculture producer to include one who cultivates and harvests aquatic plants, including seaweed. It is anticipated that up to four producers would lease up to ten acres each, at a fee of \$25 per acre. This would result in a potential revenue gain of up to \$1,000 in FY 14 and FY 15.

In addition, the Judicial Department may impose a fine of not more than \$500 for any person who interferes with the license. While it is not anticipated that many violations would occur, the bill may result in a potential minimal revenue gain.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of acres leased and the number of violations.

¹ Based on the number of offenders convicted for similar violations, it is not expected that the bill will have a fiscal impact on the Department of Correction.

OLR Bill Analysis**sHB 6318*****AN ACT CONCERNING THE CULTIVATION OF SEAWEED.*****SUMMARY:**

By law, the agriculture commissioner must license and inspect aquaculture producers who cultivate and harvest aquatic animals. This bill expands the definition of aquaculture producer to include one who cultivates and harvests aquatic plants, including seaweed, for various purposes (e.g., food, feed, or fertilizer). To receive an aquaculture producer license, seaweed or aquatic plant producers must (1) be registered with the U.S. Food and Drug Administration as a food facility, (2) pass inspection by the Department of Consumer Protection, and (3) receive species approval from the agriculture commissioner. The law allows the commissioner to assess civil penalties, up to \$2,500 per violation and \$250 per day of a continuing violation (CGS § 22-7). He may also issue cease and desist orders (CGS § 22-4d).

The bill also allows the agriculture commissioner to issue a license to anyone who wants to plant and cultivate seaweed within Connecticut's coastal waters. A seaweed license must be nontransferable, up to five years in duration, and subject to an annual fee of \$25 per acre. Someone who has a shellfish grounds lease is exempt from this seaweed license fee. Anyone issued a seaweed license can buy, possess, ship, transport, or sell seaweed approved by the commissioner.

The bill prohibits the commissioner from granting a seaweed license if it would conflict with an "established right" of fishing or shellfishing. The bill does not indicate how someone receives a right. Presumably, a right is established when a person is granted a privilege

through a license or contract. The bill specifies that any seaweed license that interferes with established rights is void. Anyone who interferes with a person's enjoyment of his or her seaweed license will be fined up to \$500, imprisoned up to six months, or both.

The bill authorizes the commissioner to adopt implementing regulations.

EFFECTIVE DATE: Upon passage

AQUATIC PLANTS

The bill defines "aquatic plants" as fresh or saltwater algae and plants, including aquatic macrophyte, microalgae, macroalgae (i.e., seaweed) species intended for sea vegetable, biofuel, animal feed, fertilizer, medical, industrial, or other commercial applications. "Seaweed" is a marine macroalgae species the commissioner approves for cultivation in Long Island Sound.

SEAWEED LICENSE

Anyone issued a seaweed license must make a good faith effort to cultivate and harvest seaweed from the licensed area. A license can be renewed. A licensee who meets his or her obligations under the license will be given preference for license renewal for a similar term and purpose as the original license. But the commissioner is prohibited from renewing a license if the licensee fails to pay the required license fee. Also, a license renewal cannot be granted unless the commissioner advertises the pendency of the renewal application. The commissioner can deny a license renewal if, for cause, he decides to stop licensing the grounds for seaweed cultivation.

The bill allows the Department of Agriculture's Bureau of Aquaculture, Department of Energy and Environmental Protection's Office of Long Island Sound Programs, and the Army Corps of Engineers to subject any seaweed licensee to the laws that require permits and authorizations for dredging and erecting and maintaining structures.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/04/2013)